



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,708	12/17/1999	FUMIKO SEMBA	FUJI-16.863	9208

7590 12/04/2002

HELFGOTT & KARAS P C
EMPIRE STATE BUILDING
60TH FLOOR
NEW YORK, NY 10118

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/465,708 Rasha S AL-Aubaidi	SEMBA ET AL. Art Unit 2642	70

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1.) Certified copies of the priority documents have been received.

2.) Certified copies of the priority documents have been received in Application No. 10-361579.

3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claim 1,3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al (US PAT # 4,791,665).

Regarding claim 1, Bogart teaches an exchange part (reads on PBX 102), which receives a number of a telephone terminal of a called party; and a part, which, selects (this reads on the selection of the inter-exchange carrier, see col.6, lines 28-61) a network from a plurality of connectable networks.

Bogart does not teach selecting network from a plurality of networks including the Internet. The Internet is simply a choice of a carrier for telephone calls.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of selecting the Internet as a carrier. The Internet is simply a choice of a carrier for telephone calls, which has been available for making phone calls for years. Using the Internet for phone calls is economical and provides the user with versatility.

Claim 3 is rejected for the same reason with respect to claim 1.

Claims 7 and 8 recite a part which originates a call to said telephone terminal after switching from a route via the Internet to a route via another network when said route via the Internet is busy. Obviously if one of the carrier (e.g., the Internet) is unavailable, busy or does not respond, another carrier should be selected. This is an old and well-known feature that increases reliability.

Claim 8 is rejected for the same reason with respect to claim 7.

3. Claims 2, 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart in view of wood (US PAT # 6,091,808) or Leipow (US Pat #6,148,067).

Bogart teaches a system for selecting the least cost route as described above. However, Bogart does not teach a predetermined operation by a caller “during a call via the Internet” to connect the call via another network.

Wood teaches using the Internet (Web Network 20) to allow the subscriber to place a telephone call and control telephone communication via browsers and web facility (see abstract). Wood teaches that while browsing using the Internet (“during a call via the Internet”), the user can click on the DIAL button 75 to initiate a phone call through telephone set 10 and telephone switch 16 (“another network”), see Fig.1 and col.6, line 42 through col.7, line 13.

Leipow teaches an access network communication unit and a voice bridge processor between users in a chat room or “virtual room”. Chatting reads on the claimed “call via the internet”. Leipow teaches a part which calls said telephone

terminal via a network other than the Internet and connects to said telephone terminal in response to a predetermined operation (this reads on entering the ID of the other party with whom the user desires to talk) by a caller during a call via the Internet, see col.4, lines 12-60 and col. 6, lines 13-64.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of enabling the user of the Bogart system to make a telephone call over the least cost route while the user is on the Internet, as taught by Wood or Leipow. This, as taught by Wood or Leipow provides the user with the ability to initiate a telephone call while he/she is on the Internet. The references discuss the advantages of this feature. Additionally, this provides the user with the option of switching a call (or Internet session) from the Internet to another network such as the telephone network, when, for example, the quality of the call via the Internet is poor.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart in view Partridge III.

Bogart's features have been discussed above.

Bogart does not teach calling a terminal via a network other than the Internet and connecting to telephone terminal in response to dialing a special number or pushing a button after an on-hook operation.

Regarding claims 5 and 6, Partridge teaches the exchange comprising: a part which calls said telephone terminal via a network other than the Internet and connects

to said telephone terminal in response to dialing a special number or pushing a button (which reads as the 103-1,103-2,103-03 and 103-04 as shown in Fig.1) after an on-hook operation by a caller during a call via the Internet (see col.3, lines 42-63, and col.5, lines 33-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of calling a terminal via a network and connecting to telephone terminal by pushing a button after an on-hook operation that taught by Partridge in the Bogart system in order to enable the user to take advantage of the speed dialing feature as taught by Partridge.

5. Claims 1, 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pokress (US PAT # 6,169,791).

Regarding claims 1 and 3, Pokress teaches the use of least call routing (computer 14) for selecting the least cost carrier for a call based, in part on the destination (reads on the claimed "number of telephone terminal of a called party" see col.4, lines 44-51).

Pokress differs from the claims in that the PC 14 is located at the subscriber's premises and not in an "exchange".

However, for many years features have been implemented at the telephone company's exchange or at the subscriber's equipments. For example, call screening (incoming/outgoing) for years have been implemented at either the subscriber's equipment or at the "exchange". Simply, implementing Pokress least cost routing at the

exchange would have been obvious and does not rise to the level of patentability.

Having features implemented at the exchange may be more convenient and reliable than having them implemented at the subscriber's equipment.

The Internet is simply a choice of a carrier for telephone calls.

For claims 7 and 8, obviously if one of the carrier is unavailable, busy or does not respond, another carrier should be selected. This is a well-known and obvious feature which provides added reliability.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Application/Control Number: 09/465,708
Art Unit: 2642

Page 7

Examiner

Rasha S Al-Aubaidi

11-27-2002



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600